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Robert A. Mittelstaedt #060359
Craig E. Stewart #129530
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700
ramittelstaedt@jonesday.com
cestewart@jonesday.com

Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE APPLE iPOD iTUNES ANTI-TRUST LITIGATION	**Case No. C 05 00037 JW** **C 06-04457 JW** **APPLE'S MISCELLANEOUS ADMINISTRATIVE MOTION TO FILE UNDER SEAL APPLE'S MEMORANDUM IN OPPOSITION TO MOTION FOR CLASS CERTIFICATION AND THE DECLARATIONS OF JO-ANNE KNYSH AND ARTHUR RANGEL; DECLARATION OF TRACY M. STRONG IN SUPPORT** **Date:** December 15, 2008 **Time:** 9:00 A.M. **Place:** Courtroom 8, 4th Floor

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Pursuant to Local Rules 7-11(a) and 79-5(b) and (c), defendant Apple Inc. (Apple) requests that the Court order the Clerk of the Court to file under seal the following confidential documents Apple is lodging with the Court on October 17, 2008:

1. Apple's Memorandum in Opposition to Motion for Class Certification.

2. Declaration of Jo-Anne Knysh in Support of Apple's Memorandum in Opposition to Motion for Class Certification.

3. Declaration of Arthur Rangel in Support of Apple's Memorandum in Opposition to Motion for Class Certification and attached exhibits.

The requested relief is necessary and narrowly tailored to protect the confidentiality of Apple's commercially sensitive business information, including undisclosed unit sales numbers and customer survey data and analysis. The confidential sales numbers and customer survey data have been redacted from Apple's Memorandum in Opposition to Motion for Class Certification to allow public access to the redacted Memorandum, and the redacted Memorandum is stamped "REDACTED." The Declarations of Jo-Anne Knysh and Arthur Rangel and attached exhibits could not be protected through redaction. Pursuant to Local Rule 79-5, this request is supported by the below declaration of Tracy M. Strong and is accompanied by a proposed order to file under seal.

Dated: October 17, 2008

JONES DAY

By: /s/Tracy M. Strong
Tracy M. Strong

Attorneys for Defendant
APPLE INC.

DECLARATION OF TRACY STRONG IN SUPPORT OF APPLE'S MISCELLANEOUS ADMINISTRATIVE MOTION TO FILE UNDER SEAL APPLE'S MEMORANDUM IN OPPOSITION TO MOTION FOR CLASS CERTIFICATION AND THE DECLARATIONS OF JO-ANNE KNYSH AND ARTHUR RANGEL

Based on my personal knowledge, information and belief, I, Tracy M. Strong, declare:

1. I am an attorney licensed to practice law in the State of California and admitted to practice before the United States District Court of the Northern District of California. I am an associate in the law firm of Jones Day in San Francisco, California, counsel for defendant Apple Inc. in the above-captioned action. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently thereto.

2. I make this declaration in support of Apple's Administrative Motion to File Under Seal the following confidential documents:

(a) Apple's Memorandum in Opposition to Motion for Class Certification.

(b) Declaration of Jo-Anne Knysh in Support of Apple's Memorandum in Opposition to Motion for Class Certification.

(c) Declaration of Arthur Rangel in Support of Apple's Memorandum in Opposition to Motion for Class Certification and attached exhibits.

3. Sealing of the documents identified above is warranted because each of these documents contains confidential commercially sensitive business information, including undisclosed unit sales numbers and customer survey data and analysis. I have narrowly tailored the number of confidential documents in this request and redacted documents in order to minimize those that need be filed under seal.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on October 17, 2008.

/s/Tracy M. Strong
Tracy M. Strong

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